

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Conor O'Shea	Team: Squad #6	CCRB Case #: 201903047	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/09/2019 7:05 AM	Location of Incident: In front of 115 East 15th Street	Precinct: 13	18 Mo. SOL 10/9/2020	EO SOL 5/26/2021	
Date/Time CV Reported Tue, 04/09/2019 8:02 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 04/09/2019 8:02 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Lennoxann Samerson	01470	954312	TB DT04

Officer(s)	Allegation	Investigator Recommendation
A.POF Lennoxann Samerson	Abuse: Police Officer Lennox-Ann Samerson stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POF Lennoxann Samerson	Abuse: Police Officer Lennox-Ann Samerson questioned § 87(2)(b)	
C.POF Lennoxann Samerson	Abuse: Police Officer Lennox-Ann Samerson refused to provide her shield number to § 87(2)(b)	
D.POF Lennoxann Samerson	Abuse: Police Officer Lennox-Ann Samerson threatened to issue a summons to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On April 9, 2019, § 87(2)(b) called the CCRB and filed this complaint over the phone.

On April 9, 2019, shortly after 7:00 a.m., § 87(2)(b) was driving alone on East 15th Street in Manhattan while on her way to work and reversed into an available and lawful parking spot in front of 115 East 15th Street. Police Officer Lennox-Ann Samerson of Transit Borough District #4, who was also on her way to work, pulled up next to § 87(2)(b) in her personal minivan, boxing her in (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Samerson ordered § 87(2)(b) to roll down her window, and she complied. PO Samerson asked § 87(2)(b) “What authority do you have to park here?” (**Allegation B: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) asked PO Samerson who she was, and PO Samerson identified herself as a police officer. § 87(2)(b) allegedly asked PO Samerson twice to provide her shield number, but PO Samerson allegedly did not respond either time (**Allegation C: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) allegedly asked PO Samerson for her shield number a third time. In response, PO Samerson allegedly only flashed her NYPD Restricted Parking Permit but did not otherwise respond or provide the requested information (**Subsumed within Allegation C**).

PO Samerson took out her cell phone and threatened to call and have § 87(2)(b) vehicle ticketed if she did not move her vehicle to a different spot (**Allegation D: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) pulled out of the spot and parked elsewhere on East 15th Street. PO Samerson parked her minivan in § 87(2)(b) former spot, where it remained for several hours throughout the duration of her tour of duty. § 87(4-b), § 87(2)(g) No arrest or summons resulted.

Later that afternoon, § 87(2)(b) returned to the incident location and took a cell phone video, which captured PO Samerson’s minivan parked in the parking spot in question as well as some nearby parking signs. § 87(2)(b) cell phone video and its corresponding summary can be found in IAs #19 and #78, respectively (**Board Review 01, 02**). Two angles of security camera footage from the Lee Strasburg Theater Institute, located at 115 East 15th Street, were also obtained. The security footage and its corresponding summaries can be found in IAs #65 and #69 (**Board Review 03, 04**), and #66 and #79 (**Board Review 05, 06**), respectively.

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Lennox-Ann Samerson stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B—Abuse of Authority: Police Officer Lennox-Ann Samerson questioned § 87(2)(b)

Allegation D—Abuse of Authority: Police Officer Lennox-Ann Samerson threatened to issue a summons to § 87(2)(b)

The two angles of surveillance footage from 115 East 15th Street (**Board Review 03, 05**) depict the following. At approximately 7:02 a.m., § 87(2)(b) silver SUV parallel parked in an open parking space between two cars directly in front of 115 East 15th Street. Shortly thereafter, PO Samerson’s dark-colored minivan pulled up next to § 87(2)(b) SUV as § 87(2)(b) adjusted her place within the parking spot. PO Samerson’s minivan boxed § 87(2)(b) vehicle in the parking spot for approximately one minute before pulling forward to allow a large vehicle

to pass. After the larger vehicle passed, PO Samerson's minivan immediately reversed and stopped next to § 87(2)(b) vehicle for a few seconds, before reversing even further back, at which point § 87(2)(b) pulls out of the parking spot and PO Samerson parallel parks in the now-vacant spot in which § 87(2)(b) initially parked her SUV. The interaction between § 87(2)(b) and PO Samerson lasted approximately three minutes. It is unclear at what point PO Samerson exited her minivan, but she is depicted in the west-facing camera angle (**Board Review 05**) rolling up the front passenger-side window, which had been rolled nearly all the way down, at approximately 7:07 a.m. In the east-facing camera angle (**Board Review 03**), PO Samerson's headlights are depicted as turning off just before 7:09 a.m.

The cell phone video (**Board Review 01**) that § 87(2)(b) recorded on the afternoon of April 9, 2019, depicts the applicable parking signs surrounding the incident location of the parking spot in question. The video shows PO Samerson's dark-colored minivan, with New York license plate § 87(2)(b), parked on the north side of East 15th Street and in front of 115 East 15th Street in an area covered by a sign that reads, "No Standing, 8am-6pm except Sunday" with an arrow pointing toward PO Samerson's minivan and directly next to a sign that reads, "No Parking, 8am-6pm except Sunday" with an arrow pointing away from PO Samerson's minivan.

The following facts are undisputed. Shortly after 7:00 a.m., § 87(2)(b) was driving alone on East 15th Street on her way in to work at § 87(2)(b) and parallel parked in an open spot between two already-parked vehicles in front of 115 East 15th Street. PO Samerson, who was driving in to work at nearby Transit Borough District #4 and dressed in plainclothes, pulled up next to her in her personal minivan and asked § 87(2)(b) what authority she had to park in that spot, which PO Samerson believed to be reserved for parking by NYPD members of service only. § 87(2)(b) asked PO Samerson who she was and PO Samerson identified herself as a police officer. PO Samerson threatened to have § 87(2)(b) vehicle ticketed if she parked in that spot. § 87(2)(b) pulled out of the spot and parked elsewhere on East 15th Street, while PO Samerson took the spot § 87(2)(b) had just departed. No arrest or summons resulted.

§ 87(2)(g)
§ 87(2)(b) initially parked her vehicle directly in front of 115 East 15th Street and between two cars. Directly behind § 87(2)(b) vehicle was a parking sign that read, "No Parking, 8am-6pm, except Sunday" with an arrow pointing east and away from § 87(2)(b) initial parking spot. A few car lengths further west on East 15th Street, there was another parking sign that read, "No Standing, 8am-6pm, except Sunday" with an arrow pointing east and toward § 87(2)(b) initial parking spot. When PO Samerson pulled up next to § 87(2)(b) vehicle, boxing her into the spot, PO Samerson ordered § 87(2)(b) to lower her window, and she complied. PO Samerson asked § 87(2)(b) "What authority do you have to park here?" § 87(2)(b) asked what PO Samerson meant. PO Samerson told § 87(2)(b) that the parking spot she was in was reserved for NYPD members of service only. PO Samerson told § 87(2)(b) that she sees her park there all the time and was going to make a complaint in regards. § 87(2)(b) felt that PO Samerson was accusing her of parking illegally.

§ 87(2)(b) asked PO Samerson who she was to be asking such questions, and PO Samerson identified herself as a police officer. § 87(2)(b) told PO Samerson that she did not need to be so rude, and that she could have the parking spot when § 87(2)(b) returned in a few minutes as she was just running into work for a moment and would return shortly thereafter. § 87(2)(b) frequently parks on the street for a few minutes, runs into work to § 87(2)(b)

§ 87(2)(b), and then returns to her car to park in § 87(2)(b) elsewhere. PO Samerson then took out her cell phone and threatened to have § 87(2)(b) vehicle ticketed or towed. § 87(2)(b) felt intimidated and “bullied” out of her parking spot. Submitting to PO Samerson’s apparent authority, § 87(2)(b) pulled out of the spot and parked elsewhere.

On April 9, 2019, PO Samerson wrote in her memo book (**Board Review 10**) that she was “PFD”—present for duty—at Transit Borough District #4 by 7:00 a.m. and at Roll Call by 7:30 a.m. Despite the fact that PO Samerson marked herself present for duty as of 7:00 a.m. in her memo book, however, PO Samerson testified (**Board Review 11**) that this incident, which occurred at approximately 7:05 a.m., occurred while she was on her way in to work—and therefore before her actual tour of duty had begun. When PO Samerson first observed § 87(2)(b), § 87(2)(b) had just parked in a parking space that PO Samerson believed was reserved for NYPD members of service only. PO Samerson regularly parks in this area as it is near her command’s stationhouse. PO Samerson denied that there was any parking sign “at the exact spot” in which § 87(2)(b) was parking, and further believed that there were “No Standing” signs further west on East 15th Street.

PO Samerson further testified (**Board Review 11**) that she pulled next to § 87(2)(b) and asked if she had permission to park there. § 87(2)(b) told PO Samerson that she would only be a few minutes, but PO Samerson told her that she was parked in a spot reserved for NYPD members of service and that it appeared as if she was on her way in to work and would be gone all day. PO Samerson stated that § 87(2)(b) would receive a ticket if she stayed in that spot. § 87(2)(b) asked PO Samerson how she could be sure that PO Samerson had a more legitimate claim to the spot than she did. In response, PO Samerson displayed her NYPD Restricted Parking Permit, which she retrieved from the visor in the front seat, and identified herself as a police officer. PO Samerson reiterated that the parking spot was just for NYPD members of service and asked § 87(2)(b) if she had the proper authority to park there. § 87(2)(b) pulled out of the space to park elsewhere, and PO Samerson took her spot before going into work. At the time of the incident, PO Samerson suspected § 87(2)(b) of unlawfully parking in a space reserved for NYPD members of service. When asked if § 87(2)(b) was committing any other potential Vehicle and Traffic Law (VTL) infractions, however, PO Samerson stated that she was unfamiliar with the VTL as she was assigned to a transit command. PO Samerson clarified, however, that she did not suspect § 87(2)(b) of doing anything else unlawful besides parking in a spot allegedly reserved for NYPD members of service.

§ 87(2)(g)

Although § 87(2)(b) and PO Samerson disagree about what the parking signage was in the vicinity of the incident location, § 87(2)(b) testimony and evidence obtained from the location provide a clearer picture. To that end, the investigation created a comprehensive diagram (**Board Review 12**) of the applicable parking signs near the incident location by synthesizing the

following evidence: § 87(2)(b) cell phone video as described above (**Board Review 01**); security camera footage from 115 East 15th Street as described above (**Board Review 03–06**); photographs taken by § 87(2)(b) depicting PO Samerson’s minivan still parked at the incident location on April 9, 2019 (**Board Review 13, 14, 15**); and photographs taken by the undersigned Investigator on May 2, 2019, depicting every parking sign on the relevant block of East 15th Street (**Board Review 16**).

As shown in the diagram (**Board Review 12**), the investigation has determined that § 87(2)(b) was lawfully parked on the north side of East 15th Street and in front of 115 East 15th Street, insofar as she parked in the spot shortly after 7:00 a.m. on a Tuesday for a few minutes, and parking in that spot was only prohibited between 8:00 a.m. and 6:00 p.m., except Sundays. The spot in which § 87(2)(b) parked her vehicle was not reserved for NYPD-specific parking in any way. The only NYPD-specific parking on the north side of this block of East 15th Street was several car-lengths east from where § 87(2)(b) parked her vehicle.

When a civilian is approached by a police officer and “might reasonably believe,” based on the content of the officer’s questions, “that he or she is suspected of some wrongdoing, the officer is no longer merely asking for information” and therefore must possess at least founded suspicion of criminality for such questions to be justified. New York v. Hollman, 79 N.Y.2d 181 (1992) (**Board Review 17**). An interaction with a police officer escalates from a ‘Level One’ interaction of requesting information requiring an objective credible reason, to a ‘Level Two’ interaction of conducting a common-law right of inquiry requiring founded suspicion of criminality, when it transforms from a “merely unsettling one to an intimidating one.” Hollman, supra; People v. DeBour, 40 N.Y.2d 210 (1976) (**Board Review 18**).

A person is considered to have been stopped—‘seized’, within the meaning of the Fourth Amendment—when police action results in a “significant interruption [of the] individual’s liberty of movement.” DeBour, supra. Traffic stops are lawful provided that they are “based on probable cause that a driver has committed a traffic violation.” People v. Robinson, 97 N.Y.2d 341 (2001) (**Board Review 19**).

Generally, NYPD officers may issue a summons in lieu of an arrest for violations of the VTL. NYPD Patrol Guide Procedure 209-01 (**Board Review 20**). In order to make a lawful, warrantless arrest, however, an officer must possess “reasonable cause to believe [that an] offense [was] committed in [her] presence.” NYPD Patrol Guide Procedure 208-01 (**Board Review 21**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C—Abuse of Authority: Police Officer Lennox-Ann Samerson refused to provide her shield number to § 87(2)(b)

The following facts are undisputed. During the conversation that occurred between § 87(2)(b) and PO Samerson on the morning of April 9, 2019, § 87(2)(b) asked PO Samerson who she was and PO Samerson identified herself as a police officer. At some point during the conversation, PO Samerson briefly showed § 87(2)(b) her NYPD Restricted Parking Permit. PO Samerson never provided § 87(2)(b) with her shield number.

§ 87(2)(g)

When PO Samerson was inquiring about § 87(2)(b) authority to park in the spot in question, as described above, § 87(2)(b) asked PO Samerson who she was to be asking such questions, and PO Samerson identified herself as a police officer. § 87(2)(b) then asked PO Samerson twice to see her shield, but PO Samerson did not reply or display her shield. § 87(2)(b) asked a third time to see PO Samerson's shield, and in response PO Samerson briefly flashed her NYPD Restricted Parking Permit, which she had removed from the front visor, but did not otherwise provide the requested information. § 87(2)(b) never obtained PO Samerson's shield number.

PO Samerson testified (**Board Review 11**) that she showed § 87(2)(b) her NYPD Restricted Parking Permit in response to § 87(2)(b) question about how she could be sure that PO Samerson had a more legitimate claim to the parking spot than she did—not in response to § 87(2)(b) asking to see her shield. § 87(2)(b) never asked to see PO Samerson's shield, and PO Samerson did not provide her shield number or display her shield to § 87(2)(b)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first and only CCRB complaint that § 87(2)(b) has filed, and the first and only complaint in which she has been named a party (**Board Review 24**).
- PO Samerson has been a member of service for six years and has been a subject in one other CCRB complaint and one allegation, which was substantiated.
 - CCRB case #201605067 involved a substantiated allegation of force. The Board recommended command-level instructions. The NYPD imposed command-level instructions. PO Samerson was also cited by the Board for providing a false official statement during her CCRB interview, but it does not appear that the NYPD took any additional disciplinary action against her in regards.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- A FOIL request was submitted to the New York City Office of the Comptroller on May 1, 2019, regarding any Notices of Claim filed by § 87(2)(b) regarding this incident. That request is still pending as of the writing of this report (**Board Review 25**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 26**).

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date